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DAVID M. THIMMIG
MAYER BROWN ROWE & MAW LLP
P.O. BOX 2828
CHICAGO, IL 60690-2828

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JUL 20 2007

OFFICE OF PETITIONS

In re Application of
Marcus Braun
Application No. 10/815,395
Filed: April 1, 2004
Attorney Docket No. 04265398

ON PETITION

This is a decision on the petition, filed July 19, 2007 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.


The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 25, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3739 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.


Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Date : July 20, 2007
TO : Director, Office of Patent Publication
FROM : Office of the Deputy Commissioner
for Patent Examination Policy
SUBJECT : Withdrawal from Issue of Application No. 10/815,395

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OFFICE OF PETITIONS

Applicant(s) : Marcus Braun
Application No. : 10/815,395
Filed : April 1, 2004


The above-identified application has been assigned Patent No. 7,250,044 and an issue date of July 31, 2007.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of: July 31, 2007.

"All reference to Patent No. 7,250,044 to Marcus Braun of Germany for
SURGICAL INSTRUMENT appearing in the Official Gazette of July 31, 2007
should be deleted since no patent was granted."


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis
Brad Harris
Kim Terrell
Kay Pinkney
Betty Powell